

PUBLIC NOTICE REQUIREMENTS

pursuant to 40 CFR 145.11

124.3 Application:

All persons requiring a permit shall complete, sign and submit an application. The Director shall not begin processing the permit until the application requirements of 144.31 have been met. Permit applications must comply with signature and certification requirements of 144.32.

124.5 Modification, revocation and reissuance, or termination:

Permits may be modified, etc., at the request of any person or by the Director. Permits may only be modified, etc., for reasons of 144.39 or 144.40. If a permit modification satisfies the criteria in 144.41 for a “minor modification” the permit may be modified without a draft permit or public notice. Otherwise a draft permit must be prepared and required procedures of Part 124 must be followed. All request must be in writing and contain facts and reasons supporting the request.

The Director shall prepare a draft permit under 124.6 after deciding to modify, etc., a permit. If an existing permit is to be revoked and reissued, a new application must be submitted. If it's revoked and reissued, the entire permit is reopened. When a new draft permit is prepared for a permit modification, only those conditions to be modified shall be reopened. The Director also shall issue a notice when it's decided to terminate a permit and this notice of intent is a type of draft permit and must follow 124.6 procedures.

124.6 Draft Permits

Once an application is complete the Director shall decide to prepare a draft permit or deny the application. If a draft permit is decided upon, it must contain the following:

- ▶ Conditions of 144.42 and 144.51,
- ▶ Compliance Schedules of 144.53,
- ▶ Monitoring Requirements of 144.54, and
- ▶ Permit Conditions of 144.52.

Draft Permits shall be accompanied by a Fact Sheet if required under 124.8.

124.8 Fact Sheet

A fact sheet shall be prepared for every major UIC facility or activity and for every draft permit which the Director finds is subject to wide-spread public interest or raises major issues. The Director shall send this fact sheet to the applicant and to any other person on request. The fact sheet shall briefly describe the principle facts and significant factual, legal, methodological and policy questions considered. The fact sheet shall include:

- ▶ brief description of the type of facility and/or activity, and
- ▶ type and quantity of wastes fluids or pollutants involved, and
- ▶ brief summary of the basis for the draft permit conditions which include statutory references, and
- ▶ Reasons why requested variances are or are not justified, and
- ▶ Description of procedure for reaching a final permit decision including: the start and end dates of the public comment period and where to send comments; procedures for requesting a hearing, any other procedures for public participation in a final decision, and
- ▶ Name and telephone number of person to contact for additional information.

124.10 Public Notice and Public Comment Period

The Director shall give public notice that a draft permit has been prepared under 124.6, and when a hearing has been scheduled under 124.12.

TIMING: Public notice shall allow at least 30 days for public comment. Public notice of a public hearing shall be given at least 30 days before the hearing.

METHODS: Public notice shall be given by the following methods:

1) Mailing a copy of a notice to the following persons:

- ▶ Applicant
- ▶ Any other agency the Director knows is required to issue RCRA, UIC, PSD, other CAA permit, NPDES, 404, sludge, or ocean dumping permit.
- ▶ Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and coastal zone management plans, State Historic Preservation Officers, the Advisory Council on Historic Preservation
- ▶ Persons on a mailing list developed by:
 - ▶ Those who requested in writing to be on the list.
 - ▶ Soliciting persons for “area lists” from participants from past permit actions in the area
 - ▶ Notification through periodic publication in public press and newsletters, bulletins or State law journals.
- ▶ Any local government unit with jurisdiction over the area and each State agency with State authority with respect to construction or operation of such a facility, and

2) For major permits, publication of a notice in a daily or weekly newspaper within the area affected by the activity or facility, and

3) In a manner constituting legal notice under State law, and

4) Any other method reasonably calculated to give actual notice to affected persons, including press release and other forum or medium, to elicit public participation.

CONTENT: All public notices shall contain at a minimum:

- ▶ Name and Address of the office processing the permit, and
- ▶ Name and Address of permit applicant or permittee, and
- ▶ Brief description of the proposed facility and activity, and
- ▶ Name address and telephone number from whom interested parties can obtain further information, including copies of the draft permit, fact sheet, and application, and
- ▶ Brief description of comment procedure required by 124.11 and 124.12, the time and place of any hearing, any procedures to request a hearing, and any other procedures for participation on the final permit decision.

Public notice for a hearing shall contain all of the preceding information, and also contain:

- ▶ Dates of previous public notice(s) relating to the permit, and
- ▶ Brief description of the nature and purpose of the hearing, including applicable hearing rules and procedures.

ADDITIONAL REQUIREMENT: In addition to the preceding general public notice content requirements, a copy of the fact sheet, (relevant portions of) the permit application, and the draft permit shall be mailed to the applicant, any agency the Director knows is required to issue RCRA, UIC, PSD, other CAA permit, NPDES, 404, sludge, or ocean dumping permit, and any federal and State agencies with

jurisdiction over fish, shellfish, and wildlife resources and coastal zone management plans.

124.11 Public Comments and Requests for hearings:

Any interested person may submit written comments on the draft permit or permit application during the public comment period. A request for a public hearing must be in writing and state the nature of the issued proposed to be raised at the hearing. All comments shall be considered in making the final decision, and shall be answered as provided in 124.17.

124.12 Public Hearings:

The Director shall hold a public hearing when finding, on the basis of requests, a significant degree of public interest in a draft permit. Public notice shall be given as specified in 124.10.

124.17 Response to Comments

States are only required to issue a response to comments when a final permit is issued. The response shall specify what provision(s) of the draft permit, if any, were changed and the reason for the change(s), and briefly describe and respond to all significant comments raised during the public comment period or during any hearing. The response to comments shall be available to the public.